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No. 770

In the Supreme Court of the United States

.....TERM, 195....

JAMES M. ALEXANDER, R. C. ALLRED, STERLING WILSON ALLRED, CARL RICHARD ANDREASEN, FLOYD N. BARKER, PHILIP HENRY BAUER, FRANK C. CATANZAO, EUGENE JACQUEST CZUKO, CARL EUGENE DARBY, EDWIN G. DeMUNBRUN, THOMAS MARIAN DRURY, FREDERICK M. ECKHARDT, STEPHEN L. FIELDER, KEITH ELVIN GOOD, ARVEN VERNON GROW, JOHN BUDDINGTON HAYNAL, WILLIAM HENNING, HORACE RICHARD HENRY, MARTIN RUDOLPH KLEIN, CARL O. LARSON, FERDINAND LINK, MARION WALKER LOFTIN, WILLIAM MELVIN MacDONALD, MALCOLM ROBERT MacKINTOSH, JACOB MATHEW MANSFIELD, WALTER HUGH MANSFIELD, ROBERT JAMES MARQUARDT, JAMES JOSEPH ORCO, LELAND GUY PIXLER, W. H. PYOTT, GRANT D. RICHINS, STANLEY WARREN ROBERTS, ROBERT BURNS ROBINSON, EDWARD HOWARD SCHALLON, ELLEN SCHRAMM, ELMER F. STROMBERG, GEORGE WILLIAM TAYLOR, JOHN EVAN THOMAS, GEORGE ALBERT WILSON, JR., ROBERT O. BRECKENRIDGE and LAURENCE R. McDONALD,

Petitioners,

vs.

HAL S. BENNETT, DONALD HACKING and STEWART M. HANSON, COMMISSIONERS OF THE DEPARTMENT OF BUSINESS REGULATION OF THE STATE OF UTAH, AND FRANK LEES, AS DIRECTOR OF THE DEPARTMENT OF REGISTRATION, STATE OF UTAH.

PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE STATE OF UTAH

ZAR E. HAYES
GRANT MACFARLANE
Counsel for Petitioners

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PETITION FOR WRIT OF CERTIORARI
TO
THE SUPREME COURT OF THE STATE OF UTAH

TO THE HONORABLE THE CHIEF JUSTICE, AND
THE ASSOCIATE JUSTICES OF THE SUPREME COURT
OF THE UNITED STATES

Your petitioners, as above named, respectfully pray that a Writ of Certiorari issue to review the judgment of the Supreme Court of the State of Utah entered in the above entitled action on November 14, 1956.

OPINION

The opinion in the Supreme Court of the State of Utah is set forth in the Appendix hereto (Appendix A, p. 11) and is reported in ..... Utah ....., 298 Pacific 2d 823.

JURISDICTION

The opinion of the Supreme Court of the State of Utah was entered on June 18, 1956 (T.0060). Petition for rehearing was denied on November 14, 1956 (T.0062). The jurisdiction of this Court is invoked under the provisions of 28 U.S.C.A. 1257 (3).

QUESTION PRESENTED

May licenses to practice as a naturopathic physician including the right to practice minor surgery and obstetrics, which were issued by the State and kept outstanding for periods ranging from two to sixteen years be revoked by the State without giving the licensees notice and an opportunity to be heard, and for reasons other than those set forth in the Statute under which such license was granted?

CONSTITUTIONAL PROVISIONS AND STATUTES INVOLVED

The constitutional provisions and statutes involved are the due process clause of the 14th Amendment to the Constitu-

tion of the United States, Article I, Section 7 of the Constitution of Utah, and Sections 58-1-24, 58-1-25, and 58-1-26, Utah Code Annotated 1953, all of which are set out in Appendix B infra pp. 18 to 19.

STATEMENT OF THE CASE

The petitioners (plaintiffs below) all hold licenses heretofore issued by the Department of Registration of the State of Utah to practice as "Naturopathic Physician, including Minor Surgery and Obstetrics." The Department of Registration is the regular licensing agency of the State of Utah authorized to issue such licenses. These original licenses were issued to the petitioners at various times ranging back as far as May 9, 1939, after each of the petitioners had taken and successfully past examinations, including separate examinations in minor surgery and obstetrics, which examinations were given under the direction of the Utah State Department of Registration through a committee set up under that department. Each plaintiff met all educational and other requirements of the State of Utah. Petitioners, as holders of said licenses, have practiced and are now practicing thereunder and in doing so have practiced and are practicing minor surgery and obstetrics and prescribing and using such drugs as are necessary incident thereto. (T. 0001-3, 0013-14).

Under the Statutes of the State of Utah the license issued remains continuously in force and effect as the license of the person to whom so issued, subject only to the payment of the annual renewal fee each year and to the holders refraining from improper conduct (T. 0004; Appendix B, pp. 18 to 19).

In conformity with an opinion of the Attorney General

of the State of Utah dated September 2, 1955, (T. 0048-52) reversing numerous opinions of prior Attorneys General which had been issued over the years from 1939 until the time of said last named opinion, (T. 0029-47) the Department of Business Regulation threatened to cancel and terminate all existing licenses issued to and held by petitioners insofar as they relate to the practice of minor surgery and obstetrics and to the use or prescription of drugs, such cancellation to be accomplished by the simple expedient of notifying the petitioners by letter that their said licenses were so cancelled and that they would not be renewed (T. 0010-11, 0026).

The statutes of the State of Utah provide, as relates to such licenses issued, that they must be renewed annually by the Department upon payment of renewal fee (Sec. 58-1-24, U.C.A. 1953, Appendix B, p. 18). Such statutes provide that, except for failure to pay the renewal fee, the licenses once issued may be revoked or their renewal refused only for the following reasons:

(1) If the applicant or holder of such license, certificate, permit, student card or apprentice card is not of good moral character or has been guilty of unprofessional conduct.

(2) If he has been convicted of crime involving moral turpitude.

(3) If he has obtained or attempted to obtain a license, certificate, permit, student card or apprentice card by fraud. (Appendix B, pp. 18-19).

The Department of Business Regulation did not assign any of the reasons mentioned in the statute as the reason for failure to renew or for revocation of the petitioners' licenses, and in fact assigned no reason, but simply stated that they would be revoked and the renewal refused on the basis of

directions from the Attorney General of the State of Utah. No notice was given or provided to the petitioners and no hearing was had, scheduled or proposed as a basis for such revocation. The threatened letter merely recited that the licenses were revoked and would not be renewed (Tr. 0010-11 and 0026). Petitioners sought from the Supreme Court of the State of Utah a Writ of Prohibition and Mandamus directed against the Department of Registration. An alternative writ was issued pending hearing thereon (Tr. 0053). Numerous grounds in support of the Petition were assigned and argued among which were the Federal constitutional question presented by this Petition for Writ of Certiorari. The Utah Supreme Court denied the issuance of the permanent Writ (Tr. 0060) failing, however, to in any manner mention or dispose of the constitutional question raised by the pleadings and by the brief (Tr. 0010-12; Appendix A).

Petition for Rehearing was filed and the court thereby urged to consider the constitutional questions raised (R. 0061, pages 11-14 of Pet. for Rehear.) The court denied the rehearing without comment (Tr. 0062). The court, however, granted a stay under its decision pending determination of all matters by Petition for Writ of Certiorari to the Supreme Court of the United States (Tr. 0065).

MANNER OF RAISING FEDERAL CONSTITUTIONAL QUESTION

The federal constitutional question was raised in the original pleadings filed in the Supreme Court of the State of Utah (Tr. 0011-12) and in the argument in the briefs submitted and in the Petition for Rehearing before said court (Tr. 0061, pages 11-14 of Pet. for Rehear).

ARGUMENT ON REASONS FOR GRANTING WRIT

The State Supreme Court of Utah has decided a federal question of substance in a way not in accord with applicable decisions of this court. This question primarily relates to the proposition as to whether a property right consisting of a license to practice as a naturopathic physician, including the practice of minor surgery and obstetrics with accompanying rights to prescribe and administer drugs, may be revoked or its renewal refused by the State of Utah except after notice and a hearing, and except upon the grounds as set forth in the statute under which license was granted.

The licenses of the petitioners were issued by the State of Utah and had been outstanding for various periods of time, ranging up to as much as 16 years (Tr. 0013-14). The statutes of the State of Utah provide that a license may be revoked or its renewal refused for specific reasons, namely: failure to pay the renewal fee, lack of good moral character or unprofessional conduct, conviction of a crime involving moral turpitude, or obtaining a license through fraud (Appendix B, 18 to 19). The Department of Registration of Utah, without giving any notice or without proposing any hearing, and without claiming that any of the reasons set forth in the statute justifying such action were present, simply let it be known that the licenses, insofar as they relate to the practice of obstetrics, minor surgery and the use of drugs, were to be revoked and that renewals thereof would not be issued (Tr. 0010-11, 0026).

We submit that the proposition that a license to practice a profession is a valuable property right and is included in the right to liberty and the pursuit of happiness is so uniformly accepted by the courts as to require no great argument. (Butchers Union S H & L S L v. Crescent City L S L and S H Co.,

111 U. S. 746; 28 L. ed. 585, 4 S. Ct. 652). In Ex Parte Garland, 4 Wall 333, 18 L. ed. 366, in referring to attorneys who have been licensed and admitted to practice, after having demonstrated that they possess the necessary qualifications, this court said:

> "They hold their office during good behavior, and can only be deprived of it for misconduct ascertained and declared by the judgment of the court, after opportunity to be heard has been afforded."

The matter was very well stated in the case of Cavassa v. Off, et al, 206 Cal. 307; 274 Pac. 523. In a case involving a pharmacist's license, the court said:

> "The right of a person to practice the profession for which he has prepared himself is property of the very highest character. Hewitt v. Board of Medical Examiners, 148 Cal. 590, 84 P. 39, 3 L. R. A. (N.S.) 896; 113 Am. St. Rep. 315, 7 Ann. Cas. 750. Due to the severe and exacting tests now generally required before a person can legally follow a profession at the present day, this right can only be acquired after years of arduous effort and closest application. It is generally the only means of the holder thereof whereby he may support himself and family, and it usually affords such holder the best opportunity to become a useful and sustaining member of the community in which he resides. This right should not be taken from one who has thus acquired it, except upon clear proof that he has forfeited the same, and then only in strict conformity to the statute authorizing its forfeiture."

See also Backman v. Bateman, 263 Pac. (2d) 561, wherein the Supreme Court of Utah cited with approval McGrew v. Industrial Commission, 96 Ut. 203; 85 Pac. (2d) 608. Therein the court stated:

> "Thus one may be said to have a special property in his profession or calling by means of which he makes

his support, and he can be deprived of it only by due process of law."

In Higgins v. Board of License Commissioners, 31 N.E. (2d) 526, the rule is stated as follows:

> "Where the statute provides for grounds for revocation and for procedures to be followed, such procedures including notice and a hearing, such notice and hearing are essential to due process, and even upon such hearing, the revocation can be only upon the grounds authorized by the statute. Otherwise, there is a failure of due process."

See also Burley v. City of Annapolis, 34 Atl. (2d), 603; 33 Am. Jur. p. 382.

The general rule as to what constitutes due process of law in procedure is well stated in 16A C.J.S. Const. Law Sec. 594 (4), page 571, as follows:

> "Due process of law in its procedural aspect requires a notice and an opportunity to be heard in an orderly proceeding adapted to the nature of the case, in accord with established rules. The hearing must be fair, and before a competent and impartial tribunal having jurisdiction."

See also Windsor v. McVeigh, 93 U. S. 271; 23 L. ed. 914; Pennoyer v. Neff, 95 U. S. 714, 24 L. ed. 565; Missouri ex rel Hurwitz v. North, 271 U. S. 40; 70 L. ed. 818; 46 S. Ct. 384.

Although the federal constitutional question as to the taking of petitioners' property, i.e. the licenses, without notice or an opportunity to be heard, and without contention that there existed any of the statutory grounds justifying revocation or refusal to renew was timely raised in the proceedings (Tr. 0011-12) and in the briefs of petitioners and in the Petition for Rehearing (Tr. 0061, pages 11-14, Pet. for Rehear.),

petitioners' rights were brushed aside without even so much as a word of comment thereon by the Supreme Court of the State of Utah. The constitutional rights of individuals should not be so lightly dismissed, and particularly where, after long ye" of preparation and practice under licenses issued by the St. : of Utah, the very livelihood of these petitioners are threatened through violation of such constitutional rights.

The fact that petitioners sought and received a hearing in the Supreme Court of Utah in the proceedings which we seek here to review certainly does not answer the objection that there was no due process of law through notice and a right to be heard, because one of the very questions raised in that proceeding was the constitutional question here raised and which was ignored by the State Supreme Court. A similar situation existed in the case of Coe v. Armour Fertilizer Works, 327 U. S. 413, 59 L. ed. 1027; 35 S. Ct. 625. In that case this court stated:

> "But it is said plaintiff in error * * * * had an opportunity for hearing in the present proceeding as to all questions upon which his liability depended. The fallacy of this is that it ignores the issue of law raised by the petition of the plaintiff in error, and constitutes an issue of fact for which he was not summoned and for which he has not consented to litigate. To one who protests against the taking of his property without due process of law, it is no answer to say that in his particular case due process of law would have lead to the same result because he had no adequate defense on the merits."

Furthermore, in petitioners' case here presented, it has never been contended or suggested that they would not have adequate and complete defenses on the merits to any charges preferred on the grounds outlined in the applicable statutes.

CONCLUSION

WHEREFORE, petitioners respectfully pray that a Writ of Certiorari issue out of this court to the Supreme Court of the State of Utah in this matter.

Respectfully submitted,

ZAR E. HAYES
GRANT MACFARLANE
Counsel of record for petitioners

PROOF OF SERVICE

I, Zar E. Hayes, of counsel of record for petitioners and a member of the bar of the Supreme Court of the United States, hereby certify that on the .... day of February, 1957, I served, on behalf of the petitioners herein, copies of the foregoing Petition for Writ of Certiorari by delivering a copy thereof at the office of E. R. Callister, Attorney General of the State of Utah, the attorney of record for Hal S. Bennett, Donald Hacking and Stewart M. Hanson, Commissioners of the Department of Business Regulation of the State of Utah, and Frank Lees, as Director of the Department of Registration, State of Utah.

.....

ZAR E. HAYES
of Counsel of Record for Petitioners

APPENDIX "A"

IN THE SUPREME COURT OF THE STATE OF UTAH

James M. Alexander, et al.,
Plaintiffs,
v.
Hal S. Bennett, Donald Hacking, and Stewart M. Hanson, Commissioners of the Department of Business Regulation of the State of Utah, et al.,
Defendants.
No. 8471

VAN COTT, District Judge:

The petitioners in this matter have filed with this Court their petition seeking to prohibit the defendants from revoking, cancelling, or calling in their licenses heretofore issued to them as naturopathic physicians. There are, however, two of the plaintiffs who have passed the requisite examinations as naturopathic physicians and are seeking to have issued to them licenses similar in scope to those held by the other petitioners. The stipulation of facts as set forth by the parties hereto show that the main group of plaintiffs or petitioners have held licenses for a great number of years which allow them to practice their profession as naturopathic physicians together with the privilege, and what they claim is their right, to use in their professional capacity the use of drugs and to perform minor surgery and the practice of obstetrics.

Over the years from 1939 there have been opinions from the Attorney General's Office which have interpreted the statutes involved in this matter in a manner that is favorable to the position of the petitioners and pursuant to these opinions the Department of Registration has issued the licenses hereto-

fore mentioned. Prior, however, to said time the Department took a contrary view of the statutes and issued the licenses in accordance therewith. It is because of this practice since 1939 that the petitioners assert that the doctrine of contemporaneous interpretation should apply to the construction given to the statutes in question and that their rights in the licenses as they now exist should be recognized by this Court as being a property right not subject to change or interruption.

While the doctrine as advocated by counsel for petitioners is recognized as a fundamental principle of law and has the force of raising a strong presumption, that such construction, if uniform and long acquiesced in, rightly interprets the statute we find that such interpretation has not always been uniform as above mentioned and therefore has not long been acquiesced in,[1] nor are the statutes in question ambiguous and of doubtful meaning.[2]

For an answer to the problem presented it is necessary to construe the statutory law applicable to the matter at hand.

Covering the matter of who is entitled to practice medicine in its broadest sense is the following statute, Title 58, Chapter 12, Section 3, Utah Code Annotated, 1953.

> "License—Several classes. The following classes of licenses shall be issued:
>
> "(1) To practice medicine and surgery in all branches thereof.
>
> "(2) (a) To practice as an osteopathic physician without operative surgery in accordance with the tenets of a professional school of osteopathy recognized by the Department of Registration.

1. Washington Co. v. State Tax Commission, 103 Utah 73, 133 Pac. (2d) 564.
2. Murdoch v. Maybe, 59 Utah 346, 203 Pac. 651.

"(b) To practice as an osteopathic physician and surgeon in accordance with the tenets of a professional school of osteopathy recognized by the Department of Registration.

"(3) To practice the treatment of human ailments without the use of drugs or medicine and without operative surgery in accordance with the tenets of the professional school, college or institution of which the applicant is a graduate as designated in his application for license; if the applicant for a license under subsection (2) or under this subsection successfully passes the examination in obstetrics the license shall also set forth this right to practice obstetrics.

"(4) To practice obstetrics."

It will be observed that Section 3 thereof deals with the general and overall right of the petitioners to follow their profession. It will be noted that the right to treat human ailments is confined to such methods as are known and practiced by these practitioners without the use of drugs or medicine and without the use of operative surgery (be it minor or major).[3] It is then provided that in addition to the right to practice as aforesaid and if the practitioner successfully passes *the* examination in obstetrics the license shall then include this subject.

From a reading of the statute it is apparent that the use of drugs and medicine and operative surgery is explicitly forbidden to these petitioners except as they may qualify for the use thereof by some method otherwise provided.

It is the contention of the petitioners that the tenets of their profession have opened up the field of naturopathy to the extent that they are qualified to use drugs and perform minor surgery and to practice obstetrics. To say this is to leave

3. State v. Thierfelder, 114 Mont. 104, 132 Pac. (2d) 1035.

in the hands of this profession the right to repeal the statute which governs their practice and thereby customize and shape the statute to fit them, rather than to require them to fit Section 1 of the statute covering the "practice of medicine and surgery in all branches thereof." It is a doctrine advanced by a profession of bending the law to their determination of what shall be the tenets and requirements of a profession in place of the individual conforming to the prerequisites of the legislature. It is fallacious in its principle and we are unable and unwilling to lend our approval thereto.

The defendants do not deny that the petitioners have as a part of their license as naturopathic physicians the privilege of practicing obstetrics, provided they meet the prerequisite condition of passing the examination necessary to the carrying on of this part of treating human ailments. The contention between the parties arises when it comes to who shall give the examination and the scope of its coverage.

The petitioners assert that the examination should be given by their committee of naturopaths and as a part of the examination on that subject. It is the belief of the defendants that the subject of obstetrics should be examined upon as though it were given to an applicant on the subject of obstetrics only. We believe that the legislature has answered this problem by the statutes pertinent to the matter.

Title 58, Chapter 1, Section 5 of the Utah Code Annotated, 1953, covers the mode of examination for professions by a committee of their own respective professions and is so far as applicable as follows:

> Exercise of department functions — By director — Assistance of representative committees for professions, trade, or occupations—Number and qualifications of members.

"The functions of the Department of Registration shall be exercised by the director of registration under the supervision of the Commission of the Department of Business Regulation and, when so provided, in collaboration with and with the assistance of representative committees of the several professions, trades and occupations as follows:

"(9) For practitioners of medicine and surgery in all branches thereof, and for the practice of obstetrics only, a committee of five persons each of whom shall be licensed practitioners of medicine and surgery in all branches whereof in this state and a graduate of a chartered medical college of recognized standing.

"(11) For practitioners of naturopathy, a committee of three members, each of whom shall be a graduate of a school of naturopathy of standing recognized by the Department of Registration."

The above two subsections of the statute deal directly with the method of examining naturopaths and those desiring to practice obstetrics only. It is the word "only" as used in the statute that petitioners claim places them in a different category than say a midwife, who is going to qualify for obstetrics, and gives them the alleged right to be examined by their own professional committee on that subject.

In this connection it will be noted that Title 58, Chapter 12, Section 3 says that those applicants for a license of naturopathy who successfully pass *the* examination in obstetrics shall have as a part of their license the right to practice in that field. Can there be any doubt what examination the legislature intended when it said *the* examination and then went on in Section 3 of said statute to provide how, and by whom the examination shall be given? Are we to say that an applicant qualified in no other medical field shall be examined by the practitioners in medicine and surgery in all branches thereof

and these petitioners shall be subjected to a lesser or different form of examination? Petitioners certainly do not expect to take a more severe examination by their own committee, skilled only in a segment of medical learning than they would be given along with midwives and others taking only the subject of obstetrics. What harm can come to these petitioners if they are required to meet only the professional skill in this subject that would be required of a midwife? We see none.

We believe that the word "only" as used by the legislature referred to those persons taking obstetrics only as distinguished from those taking it as part of the requirements of the "practice of medicine and surgery in all branches thereof" as contained in subsection 1 of Title 58, Chapter 12, Section 3, and that it was not an attempt by the legislature to separate obstetrics into various degrees, depending upon what profession is wont to give it as a part of their tenet of their profession.

By saying that all applicants for a license to take obstetrics shall take the same examination from the same class of committee lends to uniformity of requirements and thereby fairness to all.

If this committee requires of midwives certain requisite skill, learning, and aptitude for the protection of the public in the practice of obstetrics is it not reasonable to believe the legislature intended that these petitioners should reach in professional attainment at least this standard? We believe the legislature so intended.

By what we have heretofore said it is our opinion that these examinations shall be given by a reasonable standard aimed at requiring at least a minimum of learning, skill, and proficiency such as will protect the public welfare. That is in the last analysis the object of such licensing laws.

We are obliged to assume that any examination given would be devised and given in a bona fide attempt to determine the qualifications of the applicant, and not with any ulterior design of actually preventing qualified persons from obtaining a certificate to practice. Should the department, or its examining committee, fail to so properly discharge its duties, or act in any manner that is capricious or arbitrary, the applicant would not be at the mercy of said department of such committee, but recourse to the courts would be available.[4]

In regard to the use of drugs and the performance of operative surgery that is a subject which must be covered by the requirements relative to the practice of obstetrics, and if in the opinion of the examiners that is a part of the necessary, proper, and efficient practice of obstetrics, we see no reason why, to the extent that it comes within such practice, successful applicants cannot embrace their use. Certainly under subsection 4 of Title 58, Chapter 12, Section 3, Utah Code Annotated, 1953, there is not a prohibition against such inclusion.

For the reason above mentioned the petition for a permanent writ of prohibition is denied. Each party to bear his own costs.

WE CONCUR.

Roger I. McDonough, Chief Justice
J. Allan Crockett, Justice
Lester A. Wade, Justice

Henriod, J. does not participate.

Worthen, J. having disqualified himself does not participate herein.

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4. See Clayton v. Bennett, et al., ... Utah ...., ... P.2d ....,—not reported.

APPENDIX "B"

CONSTITUTION OF THE UNITED STATES

AMENDMENT XIV

Section I.

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

CONSTITUTION OF UTAH

ARTICLE I SECTION 7

No person shall be deprived of life, liberty or property, without due process of law.

UTAH CODE ANNOTATED, 1953

Section 58-1-24. Revocation for failure to renew—Notice * * * The department of registration may revoke any license, certificate, permit, student card or apprentice card for failure to pay the annual renewal fee and to secure a renewal of the license, certificate, permit, student card or apprentice card within the time fixed by law or rule of the department of registration; provided, the department of registration shall notify the person so defaulting by letter * * * of such default * * *.

Section 58-1-25. Refusal, suspension, revocation of license —Grounds for—Recordation. The department of registration may upon the written recommendation of the appropriate representative committee refuse to issue or renew or may suspend or revoke any licenses, certificate, permit, student card or apprentice card in the following cases:

(1) If the applicant or holder of such license, certificate, permit, student card or apprentice card is not of good moral character or has been guilty of unprofessional conduct.

(2) If he has been convicted of crime involving moral turpitude.

(3) If he has obtained or attempted to obtain a license, certificate, permit, student card or apprentice card by fraud.

If a license, certificate, permit or card is required to be recorded, the department of registration shall file a certified copy of the revocation with the county recorder where the license, certificate, permit or card of the practitioner may be recorded, and the recorder must note the fact of the revocation on the margin of the record of the same, with day, month and year and reference to the copy of revocation filed with him.

Section 58-1-26. Notice of charges.—Hearings. — The department of registration before refusing to issue or renew or before revoking or suspending any license, certificate, permit, student card or apprentice card under the provisions of the preceding section shall give the applicant or holder at least thirty days' written notice of the charges against him and opportunity for a public hearing before the department of registration, at which time he may present evidence bearing upon the question. In such cases the charges shall be specific, shall be in writing, verified and filed in the department.